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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON M. SORIANO,
Plaintiff,
v.
M. E. SPEARMAN, et al.,
Defendants.

No. 2:17-cv-1617 TLN DB P
ORDER TO CLOSE CASE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On October 17, 2018, the Court determined that service of the complaint was appropriate for Sergeant Speers and Warden Spearman. (ECF Nos. 20, 22.) Service was later effectuated, and the defendants appeared on February 12, 2019, by filing a motion for order revoking plaintiff’s in forma pauperis status. (ECF No. 27.) In lieu of an opposition, plaintiff has now filed a notice of voluntary dismissal. (ECF No. 31.)

Federal Rule of Civil Procedure 41(a)(1)(A) provides that “the plaintiff may dismiss an action without a court order by filing ... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Since neither defendant has filed an answer or a motion for summary judgment, a court order is not required to dismiss this action.

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Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall term the pending motion to revoke (ECF No. 27) and close this case.

Dated: May 30, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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